

REMARKS

By an Office Action dated February 18, 1999 in the file of this application the Examiner rejected the application for matters of format and over the prior art. By amendments to the specification and claims made above, the applicants are responding to these grounds of rejection.

First, in response to the Office Action the applicants are amending the specification to incorporate a sequence listing as required by the US Patent and Trademark Office. Enclosed with this response is a copy of the sequence listing in computer readable form. The undersigned, registered to practice before the Patent and Trademark Office, hereby states that the paper copy submitted herewith and the computer readable copy contain the same sequence information. This information is not new matter, since all the sequences contained therein were previously in the application at pages 19 and 20 of the specification as filed.

As suggested by the Examiner, an Abstract has been added to the application.

On the merits, the Examiner rejected Claims 1-3 both for grounds of indefiniteness under Section 112 as well as over prior art under Sections 102 and 103 in view of a publication of an abstract by one of the inventors here. By amendments to the claims made above, the rejected Claims 1-3 have been withdrawn and substituted therefor are the new Claims 4-6 presented above.

The patentability of Claims 4-6 is premised on the availability of the probes previously in this application and

labeled as SEQ ID NO:2, SEQ ID NO:3, and SEQ ID NO:4 which may be used to perform assays on nucleic acids, RNA or DNA, to determine if those nucleic acids contain sequences indicative of the presence of the virus (AD-36P) associated with viral induced obesity. These sequences are believed novel to the art and are both unobvious and useful. Never before have sequences associated with this particular virus been published so as to make possible DNA or RNA based assays for the presence of this virus. Never before has the ability existed to use such nucleic acid tests to test for virally induced obesity.

Since the claims are all now limited to sequences not shown in the prior art and which have a defined and clear usefulness, it is believed that the claims of the application now present allowable subject matter.

Wherefore it is respectfully requested that the Examiner revisit the merits of this application and reconsider rejection of the same.

Submitted with this response is a Revocation of power of attorney and appointment of the undersigned as power of attorney for this application. Please direct all future correspondence to the undersigned.

Respectfully submitted,



Nicholas J. Seay
Reg. No.: 27,386
Attorney for Applicants
QUARLES & BRADY
P.O. Box 2113
Madison, WI 53701-2113
(608) 251-5000